United Nations

A/HRC/32/29

General Assembly

Distr.: General
10 May 2016

Original: English

Human Rights Council
Thirty-second session
Agenda item 2 and 9
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action

Panel discussion on the incompatibility between democracy and racism

Report of the United Nations High Commissioner for Human Rights

Summary

The present report is submitted pursuant to Human Rights Council resolution 29/20. It provides a summary of the panel discussion on the incompatibility between democracy and racism, held on 18 March 2016, during the thirty-first session of the Council.

GE.16-07567(E)

1607567

Please recycle

I. Introduction

1. Pursuant to its resolution 29/20 entitled "The incompatibility between democracy and racism", the Human Rights Council convened a panel discussion on the 18 March 2016 to identify challenges and good practices in relation to human rights and challenges to democratic values posed by extremist political parties, movements and groups; the role of governments, public authorities and political leaders in the effective prevention and elimination of racism and racial discrimination and in the protection of vulnerable groups; and transparent and accountable governance for the prevention and elimination of racism and racial discrimination.[1]

2. In its resolution 29/20, the Human Rights Council requested the United Nations High Commissioner for Human Rights to prepare a report on the panel discussion in the form of a summary and to submit it to the Council at its thirty-second session. The present report was prepared pursuant to that request.

3. The panel discussion was chaired by the Vice-President of the Human Rights Council, Negash Kebret Botora. The United Nations Deputy High Commissioner for Human Rights, Kate Gilmore, delivered the opening address. The panel discussion was moderated by Yvette Stevens, Permanent Representative of Sierra Leone to the United Nations Office and other international organizations in Geneva. The panellists were Ronaldo Crispim Sena Barros, Special Secretary for the Promotion of Racial Equality Policies of Brazil; Jerome Jamin, Professor at the Law Faculty of Liège University, Belgium, and Emine Bozkurt, Member of the Board of Advisers of the International Institute for Democracy and Electoral Assistance and former Member of the European Parliament (2004-2014).

II. Opening statement

4. In her opening statement, the United Nations Deputy High Commissioner for Human Rights noted that, in many parts of the world, we have witnessed a resurgence of movements expressing racial, religious, national or ethnic hatred. She expressed concern about some political leaders who actively and publicly advocated xenophobia and scapegoated the most vulnerable communities. Some national newspapers as well as members of Parliament and political campaigners had indulged in the stigmatization of refugees and migrants, referring to them as "organized invaders", blogged about alleged negative characteristics and disproportionate influence of specific minority groups and devised political posters depicting the need to kick immigrants out of their countries.

5. While the current scale of migration represented a challenge, some leaders have declared, for instance, that only people of a certain religion can apply for residency in their countries.

6. For women and girls, gender discrimination compounded the pernicious impact of these forms of discrimination.

7. The Deputy High Commissioner affirmed that racism conflicted fundamentally with the central principles and values of democracy. A society that did not fully respect and protect the equal rights of all individuals to participate in public life and decision-making was not fundamentally a democratic society. The respectful accommodation of ethnic,

[1] All written contributions to the discussion are available at https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/31stSession/Pages/OralStatement.aspx?MeetingNumber=48&MeetingDate=Friday%2c%2018%20March%202016.

racial, religious and political differences was among the objectives of democratic societies, thus individuals had to be provided with full and equal protection.

8. The Deputy High Commissioner also underlined that education had a fundamental role in eliminating racial and other negative stereotypes and encouraged States to use all opportunities, including those provided by the Internet and social media, to counter the dissemination of ideas based on racial superiority or hatred and to promote the values of equality, non-discrimination, diversity and democracy.

9. Effective judicial protection and remedies for victims of racial discrimination were also fundamental. States had the obligation to duly prosecute and sanction those responsible for racist and xenophobic violence. They should also introduce provisions that indicated that the commission of an offence with a racist or xenophobic motivation or aim constituted an aggravating circumstance would result in heavier sanctions. Moreover, all racial, national and ethnic groups should be represented in all local and national institutions.

10. The Deputy High Commissioner highlighted the responsibility of political parties, platforms and organizations to take decisive action against racist discourse and encouraged them to develop internal disciplinary measures against public statements and actions that encouraged or incited racism, racial discrimination, xenophobia and related intolerance.

11. Lastly, the Deputy High Commissioner urged all States to demonstrate both political and moral leadership in fighting racial discrimination and xenophobia more vigorously. States should promote diversity as the greatest force for the enrichment of humanity as a whole that enabled the foundation for freedom and co-existence.

III. Statements by panellists

12. The panellists emphasized that racism and racial discrimination were serious obstacles to the full enjoyment of human right for minorities and vulnerable groups and stressed that preserving and consolidating democracy was essential in order to prevent and combat racism, racial discrimination, xenophobia and related intolerance.

13. Mr. Barros focused on Brazil's experiences and challenges in combating discrimination. He highlighted that racism was an ideological structure and that any form of discrimination was incompatible with democracy.

14. Mr. Barros underscored the importance of the black movement in Brazil. He gave an historical overview of how Brazilian racist practices were addressed over the last 80 years in the country. He noted a number of achievements included in the new Constitution that was adopted in 1988, exactly 100 years after slavery had been abolished in Brazil. According to the new Constitution, every citizen was equal before the law and entitled to security, property and freedom of every sort. Article 68 of the Constitution also granted ownership of the lands to the remnants of *quilombo* communities. More than 50 per cent of the Brazilian population was made up of people of African descent and they were the main beneficiaries of public policies to reduce poverty. He further noted that poverty was reduced by 86 per cent in 10 years. He stressed that the Brazilian Government also strived to ensure a greater rate of participation of people of African descent in public offices and in schools. So far, 1.3 million black citizens had attended public colleges, mainly owing to the system of quotas.

15. Mr. Barros concluded by highlighting achievements made over the last 13 years in promoting racial equality policies, not just for the black population, but also for other minorities, youth and women. This had led to the creation of the Secretariat for the Promotion of Racial Equality on 21 March 2003, whose policies were aimed at reversing

the negative representation of black people, promoting equal opportunities and combating prejudice and racism.

16. Mr. Jamin focused on racist parties, noting that they were usually described as "far-right" parties. He specified that this did not mean that religious extremist parties did not constitute a problem for democracy. But, in general, parties advocating racism, xenophobia, islamophobia, anti-Semitism and incitement to discrimination put themselves on the extreme right. He referred to the definition of democracy and to the different battles for democratic legitimacy between traditional, or so-called democratic, parties and extreme-right parties.

17. With regard to the definition of democracy and the incompatibility between far-right parties and democracy, he stated that far-right parties defined democracy as the legitimation that resulted from elections and believed that, in order to be a democratic party, it had to abide by existing rules and procedures and needed to obtain enough votes to be legitimate and able to represent voters. For far-right parties, these criteria were sufficient for legitimacy. For traditional parties, on the other hand, this was indispensable, but not sufficient. Traditional parties also looked for the respect of some values and principles having their foundation in core international human rights instruments. For traditional parties, the pillar of "respecting electoral procedure" went hand in hand with the pillar of "fundamental human rights and values", so that the second pillar would monitor the first and prevent abuses.

18. Mr. Jamin stressed that the difference between the definition of democracy by far-right parties and by traditional parties was fundamental. It was not possible to organize a political system with popular parties, democratic procedures and regular elections while at the same time tolerate torture, arbitrary arrest, State-sponsored racism or other forms of discrimination and human rights violations.

19. He noted that, in practice, many traditional parties promoted public policies that directly or indirectly violated fundamental rights. An example of the way traditional parties violated human rights was the European policy toward migrants, which was adopted by traditional parties and governments, and which sometimes forced the expulsion of asylum seekers to their countries of origin. He recommended more discussion on the second pillar in State policies and in documents promoting democracy and providing information on acquiring citizenship or residence. He concluded that the second pillar was just as important as the first

20. Ms. Bozkurt referred to the current refugee crisis, which has deepened and rather normalized the racist discourse within the public debate and was helping the extreme right to become the voice for a large group of frightened and angry citizens. She underlined how the refugee crisis was initially considered a problem of only a few countries. But this changed drastically in 2015 owing to the increased influx of refugees, especially in Europe. Extreme-right leaders called for protests against asylum-seeker centres, describing male refugees as possible radical jihadists or potential rapists. The incidents that took place on New Year's Eve in Cologne, Germany, did not help either. It caused massive anger and a more racist attitude towards refugees. Even though it later turned out that hardly any refugees were involved, the damage had already been done.

21. Extreme-right parties always availed themselves of the right to freedom of expression and framed opposition to immigration in a way that was acceptable to a large number of people who were turned off by straightforward racism. They covered up their discourse as defending domestic traditions and values. While a Constitution or other legislation could not stand up, political leaders who respected it could, and silence would only help racism to increase. However, the rhetoric of mainstream parties came close to that of extreme-right parties in order to attract voters. It was not easy to define the borderline

between expressing oneself and insulting someone based on race, ethnicity or nationality and incitement to hatred. The European Union had the moral responsibility to sound the alarm when major social changes for the worse occurred within the borders of its member States, to adopt a strong position on emerging extremism and to create a holistic approach to safeguarding fundamental human rights in the European Union, otherwise democracy would be under serious threat.

22. Ms. Bozkurt described existing practices in combating racial discrimination through and in sports and underscored that the fight against racism needed more heroes speaking out loud, including football players, clubs, politicians, leaders and people in the streets.

IV. Summary of the discussion

23. During the ensuing discussion, contributions were made by representatives of Algeria, Belgium, Chile, China, Colombia, Cuba, Egypt, France, Georgia, Germany, Greece, Iran (Islamic Republic of), Italy, Mexico, Morocco, Nigeria, Pakistan (on its own behalf and on behalf of the Organization of Islamic Cooperation), Panama, Paraguay, Portugal, the Russian Federation, South Africa (on behalf of the African Group), Spain, the United Kingdom of Great Britain and Northern Ireland, Uruguay (on behalf of the Southern Common Market (MERCOSUR)) and Venezuela (Bolivarian Republic of), as well as the Council of Europe and the European Union.

24. Representatives of the following national human rights institutions and civil society organizations also took the floor: Friends World Committee for Consultation, International Movement against All Forms of Discrimination and Racism, Maarij Foundation for Peace and Development, UN Watch, Arab Commission for Human Rights, Iraqi Development Organization, and International Youth and Student Movement for the United Nations. Statements by the World Jewish Congress and the International Organization for the Elimination of All Forms of Racial Discrimination were not delivered owing to lack of time. Copies of their statements are, however, posted on the Human Rights Council extranet.

25. Many delegates began their statements by condemning political organizations based on racism, xenophobia, racial discrimination as well as any kind of legislation based on those ideas, which are incompatible with democracy.

26. One delegate, speaking on behalf of a group of States, noted that, 16 years after the first resolution on the incompatibility between democracy and racism had been adopted, racism, xenophobia and intolerance in public opinion and society seemed on the rise. Vulnerable groups, such as migrants, refugees, asylum seekers, indigenous peoples, minorities and lesbian, gay, bisexual and transgender persons continued to be victims of violence and attacks.

27. There was general agreement among the delegates that, even in the greatest democracies in the world, individuals belonging to vulnerable groups, such as migrants, refugees and minorities, continued to be victims of violence. Many delegates pointed out that the large-scale migration and terrorist acts had led to a proliferation of hatred and xenophobia that targeted some groups and stigmatized them on the grounds of culture or religion. The situation of vulnerable groups — mainly migrants — had worsened in recent months, which impeded the exercise of their rights to fully enjoy human rights.

28. Another delegate noted that, in some cases, xenophobic acts were justified on the basis of democratic values, which created a conceptual confusion that must be clarified.

29. Several Member States highlighted that democracy, transparency, participation, responsibility and respect for human rights were essential to preventing and eliminating

racism. Moreover, impunity for crimes committed with racist or xenophobic attitudes remained an impediment to strengthening democracy and the rule of law, as well as to the eradication of poverty and underdevelopment.

30. The representative of a non-governmental organization (NGO) stated that the non-implementation of United Nations resolutions was incompatible with democracy.

31. During the discussion, attention was also drawn to the role of education. It was agreed that universal, free and quality education represented a fundamental opportunity for eradicating poverty, promoting sustainable development and eliminating racism. Inclusive education measures were key instruments to neutralize the upsurge of extremist political groups, movements and parties and the best way to fight against racism, sexism and exclusion. The importance of fighting against all kinds of stereotypes through general awareness programmes was also highlighted. As long as school books depicted minorities in a pejorative way, racist attitudes would continue to flourish. Furthermore, the need to ensure access to culturally appropriate education for ethnic groups was underscored, in order to ensure the preservation of their traditional knowledge and to reaffirm the cultural diversity of countries.

32. Some delegates reaffirmed the commitment of their governments to the fight against racism and other forms of discrimination and to the strengthening of democracy, in line with the Durban Declaration and Programme of Action and the commitments under the International Decade for People of African Descent.

33. One delegate, speaking on behalf of a group of States, stressed that equality was contrary to any doctrine of superiority based on racial differentiation. The International Convention on the Elimination of All Forms of Racial Discrimination rightly terms such doctrines as scientifically false, morally condemnable and socially unjust and dangerous. Democracy and racism were intrinsically incompatible. In a democracy, responsibility to counter racial and religious intolerance rested with the majority that was controlling the State apparatus. The current increase in religious and racial profiling constituted a threat to the democratic order of societies.

34. Another delegate, speaking on behalf of a group of States, noted that, since political leaders and parties had a role to play in combating racism and relating intolerance, States should ensure that their political and legal systems actively promoted the multicultural diversity within their societies. They should improve democratic institutions to make them more participatory and inclusive, and avoid marginalization and exclusion of specific sectors of society.

35. Another delegate, speaking on behalf of a group of States, expressed concern about the current trend of increasing incidences of racist and xenophobic acts throughout all regions of the world and recognized that a vigorous approach was needed to combat it. Not only effective legal responses were needed, but also preventive measures that promoted social inclusion, acceptance and equality for all members of society. Legislation was not enough and there was a real need to look at practical ways to combat racism, racial discrimination, xenophobia and related intolerance.

36. Several delegates highlighted that respect for human rights, democracy and the rule of law were essential to prevent and combat racism, racial discrimination, xenophobia and related intolerance. Recalling the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence and its recommendations aimed at preventing racism and intolerance, some participants urged States to criminalize, prevent, discourage and combat discriminatory acts, as well as implement preventive measures in response to the threats posed by racism. They noted that combating and preventing racial discrimination was not the job of

governments alone. Civil society and the private sector had key roles to play and were important partners in tackling racism and other forms of discrimination.

37. Participants pointed out that in many places racism has become institutionalized and officialized at the expense of society, with certain politicians voicing extremist views that targeted Muslims, Arabs and people of African descent, despite the fact that they had integrated into the society. To counteract this trend, participants called for social harmony, cohesion and civil stability, as well as for the implementation of justice, tolerance and dialogue in the fight against racism and related intolerance.

38. Several delegates expressed concern at the fact that, 15 years after the adoption of the Durban Declaration and Programme of Action, racism still represented a reality in our daily life. Incidences of racial discrimination and even violence had been witnessed over the past months in all continents and under different political environments. Beyond legislation and regulation, effective institutions, both to enforce the law and to strengthen awareness of the need to fight racial discrimination, were needed. The reality required collective solutions at the local, national, regional and international levels.

39. One delegate affirmed that a democratic system was inclusive by definition and that a system in which democratic values were only granted for a part of the population could not be recognized as a democratic system. Participants also called on the moral responsibility of the international community to take urgent action against those who were undermining democratic values and propagating extremist ideology and violent extremism. Owing to its incompatibility with democracy, all manifestations of racism must be punished through both legislation and practice.

40. The representative of an NGO echoed the concerns expressed by the Committee on the Elimination of Racial Discrimination and the Human Rights Committee about the disproportionate impact that disenfranchisement legislation had on minorities.

41. One delegate urged States to take note of the more fundamental needs, like economic, cultural and collective rights, and their role in combating extremism and racism.

42. The representative of an NGO noted that the full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination was an essential step to combating racism and promoting democracy, and expressed concern about the large number of States that had not yet submitted their initial or periodic reports by the due dates, which showed a lack of political will to combat racial discrimination.

43. In the same vein, some delegates urged States to fully and in good faith fulfil their obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, including by withdrawing their reservations and adopting legislation prohibiting any public statement inciting national or religious hatred. They called on all States to reinforce their activities against racism through both national policies and dialogue with the Committee on the Elimination of Racial Discrimination, as well as with other international bodies.

44. Participants urged political leaders and parties to refrain from public statements and actions that incited racism, racial discrimination, xenophobia and related intolerance.

45. Several delegates referred to new formats for the dissemination of hate speech, for example, through social networks, and pointed out that this phenomenon was difficult to control. However, technology should not be used for criminal aim but rather to promote mutual respect, equality, equity, diversity and democracy.

46. One delegate pointed to the need to prosecute those who promoted hate speech, including through the Internet. The Internet is the reflection of the real world. If States were strict with their legislation, they should be able to apply the same standards with regard to

crimes committed through online platforms. Some delegates stated that governments ought to show solidarity with victims of racial discrimination and protect them efficiently. They felt that the rise in hate speech, especially online, required specific attention and enhanced measures.

47. One delegate offered that fighting racism meant creating new social models. Racism, xenophobia and hatred based on ethnic and religious grounds were major threats in the current global situation that was characterized by economic instability, which brought significant challenges to the full enjoyment of human rights by all. The current global situation also posed a threat to democracy, particularly by extremist parties and groups, including neo-Nazis that were now gaining alarming popularity. There was a great danger of falling into historical revisionism and misrepresenting historical accounts to achieve political interests, which was a characteristic feature of extremist parties and movements.

48. Another delegate said that everyone was entitled to a democratic international order. States must respect international principles and implement the Durban Declaration and Programme of Action and the outcome of the Durban Review Conference, as well as actively respect diversity and safeguard the rights of people to their path to development. Reducing inequalities and poverty for all must be a priority for all States.

49. Several delegations shared information about the different measures that had been taken at regional and national levels to combat racism and racial discrimination. These measures included legislative initiatives, the adoption and implementation of national and regional action plans against racial discrimination and on human rights and democracy, as well as tools and programmes on anti-discrimination aimed at a better implementation of policies against racism. Specific measures to protect vulnerable groups against racism were also mentioned, including the establishment of telephone hotlines and sending email messages to provide information around the clock to migrants and refugees in different languages.

50. One delegate noted that democracy was not expected to confer certain privileges and attributes to one race over another, given the racial mix of any State. Rather, democracy was expected to be an attribute that complemented racial unity, rather than segregation, and provided the basis for the unity of a State, furthering the cause of racial harmony and unity on the basis of equal rights and equal vote. Universal suffrage, the underlying principle in any democracy, grants the right to vote and is not restricted by race, sex, belief, wealth or social status.

51. One delegate mentioned that democracy expressed diversity and should accommodate diversity of ideology, opinion and religion of both minorities and majorities. At the same time, democracy must protect certain groups at risk from discrimination or intolerance and find the right balance between freedom of expression and mechanisms for the prevention of discrimination, intolerance and xenophobia. When xenophobic political parties, anti-immigrant policies and intolerance were justified by the right to freedom of speech, it was not possible to talk about real democracy.

52. Another delegate expressed support for the drafting of a United Nations declaration on the promotion of and respect for the human rights of people of African descent.

53. Delegations also urged States to renew their efforts in the fight against racism. Promoting tolerance and fighting against racism was a human rights obligation, but also an absolute necessity to maintain democratic and pluralistic societies.

V. Conclusions

54. In their concluding remarks, the panellists highlighted the essential role that education plays in addressing racism, racial discrimination, xenophobia and related intolerance. States were encouraged to support safe and inclusive school environments, where universal values were at the foreground. The panellists underlined the importance of coming to terms with each country's history, for instance by teaching the history of slavery, so that students could learn from the past. It was also important to ensure that the diversity of society was duly reflected in the personnel of school, as well as in public institutions such as national parliaments, the civil service sector, the police and the judiciary. The panellists further underlined the importance of combating racism and discrimination within public institutions.

55. With regard to leaders of political groups and parties who propagated hatred and promoted extremist ideologies for popularity and political legitimacy, the panellists noted that, in some countries, there were mechanisms to prohibit political parties if they were found to incite racial hatred or xenophobia. Another practice consisted in stopping the funds available to political parties, since in some countries official bodies could decide on the maintenance of public finance for political parties. At the same time, democratic parties could come together to oppose extremist parties. Finally, anti-racism legislation was the best means for breaking the political career of an extremist leader. When politicians could be banned from participating in elections, they might think twice before propagating racist speech.

56. The panellists also mentioned promoting anti-racial discrimination campaigns through and in sports, particularly football. Expressing great concern about new emerging forms of racism, particularly against vulnerable groups, including migrants, refugees and asylum seekers, the panellists underlined that more vigorous efforts were needed and that everyone had a role to play, including at the national, regional and international levels.

57. Finally, the panellists stated that the adoption and the full and effective implementation of national, regional and international legal frameworks, in line with the International Convention on the Elimination of All Forms of Racial Discrimination, the Durban Declaration and Programme of Action, the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence and the Programme of Activities for the Implementation of the International Decade for People of African Descent provided a strong basis for eliminating the conditions which caused or perpetuated racial discrimination.